

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

No. 1:07-cr-213

-v-

HONORABLE PAUL L. MALONEY

REGINALD BLAND,
Defendant.

ORDER GRANTING JOINT 2255 MOTION AND ORDER FOR RESENTENCING

Defendant Bland, through counsel, jointly with the Government, filed this motion (Dkt. No. 292) to vacate, set aside or correct Defendant's sentence under 28 U.S.C. § 2255. Since Defendant was sentenced, his prior state felony conviction has been vacated. Vacatur of a prior state conviction used to enhance a federal sentence is a sufficient reason to grant a 2255 motion. *See Johnson v. United States*, 544 U.S. 295, 302-303 (2005). Therefore, the joint motion (Dkt. No. 292) is **GRANTED** and Defendant Bland's sentence is **VACATED**. A re-sentencing hearing has been scheduled for **November 16, 2009 at 11:00 a.m.** Counsel for the government shall prepare the necessary paperwork to ensure the defendant's presence at the hearing. The Probation Office is ordered to prepare a modified pre-sentence investigation report, with respect to the facts presented in the joint motion, to be used by this Court in sentencing.

IT IS SO ORDERED.

Date: September 24, 2009

/s/ Paul L. Maloney
Paul L. Maloney
Chief, United States District Judge